

MINUTES
BOARD OF EXAMINERS
OF CONSTABLES
MEETING
TUESDAY
OCTOBER 31, 2017
10:00 A.M.
TATNALL BUILDING
150 MARTIN L. KING, JR. BOULEVARD SOUTH
ROOM 112
DOVER, DE

I. Call to Order

Lt. Col. Hudson called the meeting to order at 1003 hours. The meeting was recorded and the Professional Licensing Section will maintain the records.

Introductions were made around the table of the Board and Staff members and the guests in attendance.

The following members of the Board of Examiners were in attendance:

Lieutenant Colonel Monroe B. Hudson, Jr.
Captain Laura O'Sullivan
Ralph K. Durstein, III, Esquire

The following members of the Board of Examiners were absent:

Chief William E. Bryson
Mr. John F. Tharan

The following staff members were in attendance:

Stacey Cohee, Esquire – Proxy
Lieutenant Kerry B. Reinbold – Professional Licensing Section
Sergeant Brian L. Pixley – Professional Licensing Section
Ms. Peggy L. Anderson – Professional Licensing Section
Mr. Michael Terranova – DTCC Representative

The following staff members were absent:

Rae Mims, Esquire
Captain S. Benjamin Parsons – State Bureau of Identification

The following guests were in attendance:

Mr. Alan Ellingsworth
Mr. Tim Winstead
Mr. George Jester – out @ 1027

II. Review and Acceptance of Minutes
A. June 5, 2017

Lt. Col Hudson, with a second by Capt. O’Sullivan, made a motion to approve the minutes from 06/05/17 as presented. The motion was carried.

III. New Commissions

Ms. Anderson requested that the Board approve the following New Commissions in various groups as some individuals are still in need of taking some courses/tests. The Board agreed. Per the Board’s prior request, all Constable Entities will be notified of any traffic charges as the constables will be driving their entity’s vehicles.

- A. A.I. DuPont Hospital for Children
1. Beau A. Callery
 4. Kevin A. Kelleher
 5. Joshua G. Matucek
 6. Francis L. Rogers, II

Ms. Anderson informed the Board that A.1 & 4. – 6 had traffic charges and A.4 had a criminal charge of disorderly use of a dwelling. These charges are not disqualifiers.

Mr. Durstein, with a second by Lt. Col. Hudson, made a motion to approve A.1. & 4. – 6, as presented, for new Constable Commissions.

2. Paul A. Chickadel
3. James J. DiOrio

Ms. Anderson informed the Board that A.2. & 3 need to take the Constable Orientation Overview and A.2 also has traffic charges.

Lt. Col. Hudson, with a second by Capt. O’Sullivan, made a motion to approve A.2. & 3 for new Constable Commissions when the Orientation Overview certificates are provided to Professional Licensing. The motion was carried.

- B. Capital School District
1. Vincent A. Green

Lt. Col. Hudson, with a second by Mr. Durstein, made a motion to approve B.1 as presented, for new Constable Commission. The motion was carried.

C. Christiana Care Health System

1. Melissa L. Bak
2. Robert M. Denton, III
3. Malcolm G. Duff, Sr.
4. Steven J. Duncan
5. Scott M. Galbreath, Jr.
6. Benjamin R. Gorgoni
7. Phillip H. Hill
8. Noah H. Hunsinger
9. Horace S. Robinson, II

Ms. Anderson informed the Board that C.2. – 6 have traffic charges.

Mr. Durstein, with a second by Lt. Col. Hudson, made a motion to approve C.1. – 9, as presented, for new Constable Commissions. The motion was carried.

D. Indian River School District

1. Norman V. Cochran, Jr.
2. Pamela L. Elliott

Mr. Durstein, with a second by Lt. Col. Hudson, made a motion to approve D.1. & 2, as presented, for new Constable Commissions. The motion was carried.

E. Red Clay Consolidated School District

Department of Public Safety

1. Michael C. Hahn

Mr. Durstein, with a second by Lt. Col. Hudson, made a motion to approve E.1., as presented, for new Constable Commission. The motion was carried.

F. Wilmington University

Department of Public Safety

1. Amy J. McCabe

Mr. Durstein, with a second by Capt. O’Sullivan, made a motion to approve F.1., as presented, for new Constable Commission. The motion was carried.

IV. Terminations/Resignations

A. A.I. DuPont Hospital for Children

1. Darla A. Hoff

- B. Christiana Care Health System
 - 1. Michael S. Robinson
 - 2. Christian D. Stamm
- C. Delaware Technical Community College
 - 1. John A. Schaible
- D. Indian River School District
 - 1. G. Richard Chamberlin
 - 2. Michael F. Karwacki
- E. Red Clay Consolidated School District
Department of Public Safety
 - 1. Brian N. Moore
- F. RI International
 - 1. Stephen L. Martelli, Sr.
 - 2. Edward J. Wilkowski
- G. Sussex County Council
 - 1. Michael J. Costello
- H. Sussex County Council
Sheriff's Office
 - 1. George H. Wilson
- I. US Transit Authority, LLC
 - 1. Edwin Boulware
 - 2. Barry T. Lee
 - 3. Robert B. Workman
- J. Wilmington University
Department of Safety
 - 1. Mary L. Devine
 - 2. Orlando A. Fletcher
 - 3. Claudine Malone

Ms. Anderson informed the Board that IV.A. – J is for informational purposes only. No vote necessary. Of note, Mr. Robinson was the constable that passed away while working.

- V. Issues/Concerns/FYI
 - A. Christiana Care Health Systems
 - 1. Anthony Martin

Ms. Anderson informed the Board that as of 10/18/17, Mr. Martin is the new Director of Security for Christiana Care.

B. Delaware Animal Services Constable
Office of Animal Welfare
Division of Public Health

Ms. Anderson informed the Board that HS 1 for HB 173 was signed on 07/21/17 which is the amended law that grants the Delaware Animal Services the ability to perform investigations, which excludes them from being commissioned as Constables. On 12/14/16, the Board did not re-commission one individual and de-commissioned the rest of the constables. The entity was left as is until the pending legislation was passed and signed into law.

Mr. Durstein, with a second by Lt. Col. Hudson, made a motion to remove the approval for Delaware Animal Services to have constable commissions. The motion was carried.

C. RI International
1. George G. Jester, Jr.

Ms. Anderson presented the issue regarding Mr. Jester that he has experience from DNREC & DOC and that the Board needs to make this decision in accordance with Rule 1.8.1 if the Academy is to be waived.

Mr. Jester passed out information regarding his experience for the Board's review.

Mr. Jester spoke that he became a correctional officer at SCI in all areas of the prison for five years, after graduating from the Academy in 1999. He was appointed to the Training Officer statewide. He spent seven years with DNREC as an Animal Control Officer making arrests, ticketing, and removing animals during hostage situations. Served in the USMC for three years, the US Navy for 20 years with the Navy version of SWAT, with a total of 25 years of service. He has spent the last three years as a security guard with Securitas here in Delaware.

Lt. Reinbold spoke that there were certain courses from the Constable Academy that are not on Mr. Jester's resume and he recommends that he take them.

Discussion ensued regarding what training from the Academy is available on-line and what is face-to-face. Mr. Terranova spoke that what the Board is looking at for Mr. Jester to take has been taped and could be viewed on-line.

Mr. Durstein, with a second by Lt. Col. Hudson, made a motion to waive the Academy pursuant to Rule 1.8.1, however Mr. Jester must complete and pass the Orientation Overview, four hours of the recommended coursework, take and pass the Constable Exam, submit to the MMPI/PAI and present everything to the Board at their December 14, 2017 annual meeting. The motion was carried.

Mr. Jester left the meeting @ 1027

- VI. Rule 4.0 – Badges & Vehicle Markings
 - A. Beebe Healthcare
 - Department of Public Safety & Security
 - 1. Badge

Lt. Col. Hudson, with a second by Mr. Durstein, made a motion to approve A.1 as presented for Beebe Healthcare. The motion was carried.

- VII. Old Business
 - A. Professional Licensing
 - 1. Rules & Regulations
 - a. Rule 1.0 – Licensing

Lt. Reinbold asked the Board to look specifically at Rule 1.4 regarding the requirement of the MMPI/PAI. There is no one qualified in Professional Licensing to properly review these evaluations. When it comes down to it, the entity is going to make the final decision if they hire an individual or not. Professional Licensing is making the recommendation, by way of the rule, to only receive verification that the MMPI/PAI has been completed and that the evaluations are kept at the hiring entity.

Whenever an issue has been brought before the Board, they have had to go into Executive Session to discuss the issues in the evaluations. And it ultimately ends up with the entities making the final decision.

After lengthy discussion, it was determined that Rule 1.0 is tabled until the December 14, 2017 meeting with Lt. Reinbold researching how other Boards handle this situation, through Professional Regulations.

- b. Rule 4.0 – Badges & Vehicle Markings

Ms. Anderson refreshed the Board that Rule 4.0 has been through the first publication and the comment period ended on 07/31/17 with no comments from the public. This rule is ready for final publication vote and signatures.

Mr. Durstein, with a second by Lt. Col. Hudson, made a motion to approve Rule 4.0 for final publication. The motion was carried.

- c. Rule 9.0 – Minimum Training Standards and In-Service Training

Lt. Reinbold has Ms. Anderson read the proposed wording for 9.2.1 as it has been changed from what is in the notebooks.

“Applicants wishing to attend the Academy must be employed & sponsored by an approved constable entity to attend. Other attendees, not affiliated with a constable entity, must be approved by the Director, after showing cause and need to attend such training.”

This is an attempt to protect the training facilities. Several discussions between Professional Licensing and Mr. Terranova about individuals just taking the academy training by just paying the tuition fee have resulted in the need for something to be put into the rule. This training is very similar to law enforcement training and those individuals that are not a potential constable should not be taking these classes. The past Academy had some Delaware Animal Control Agents being asked/required to attend specific training that is offered through this Academy. This is a different situation than Joe Citizen that walks in off the street wanting to attend.

Mr. Durstein, with a second by Lt. Col. Hudson, made a motion to approve the rule amendment as read by Ms. Anderson. The motion was carried.

Lt. Reinbold updated the Board that the Weapons & Force Committee will be convening to discuss rule amendments for the Nightstick, PR24, Mace, Chemical Spray, and Handcuffs; Conducted Electrical Weapon (CEW); and Canine. The draft rules will move the oversight of the instructors and certifications to the entities. The rule would be specific on what type of weapon could be carried.

B. Board Members

The Board Members did not have any old business at this time.

C. Lieutenant Colonel

Lt. Colonel Hudson did have any old business at this time.

VIII. New Business

A. Professional Licensing

1. In-Service 2018

The entity Directors/Leadership met on 10/23/17 to discuss what they would like to see in the 2018 On-Line In-Service. Ms. Anderson asked the Board to review Exhibit E with the topic recommendations stemming from that meeting.

Mr. Terranova spoke about the In-Service being a four hour on-line training. This training is normally held off until the Supreme Court Decisions and DE Legislative Session is done in May & June, as there may be some updates that the Constables need to be made aware of.

With the legislation under review and being re-written, the issue is whether that is included in this In-Service or to continue with the recommended topics. Lt. Col. Hudson

spoke that the role of the Constable is not going to change, but rather the definitions of “arrest” vs. “detaining” is the topic on the table at this point. The amended legislation should not cause a major change to the industry.

After discussion that the updated law could be placed under Legal Updates, Lt. Col. Hudson, with a second by Mr. Durstein, to approve the recommended 2018 On-Line In-Service topics being: Legal Updates, Clarification on Constable investigation authority, DIAC/Delaware Gang Trends, Terrorism Update, Veteran PTSD, Mobil Crisis review, and Tourniquet Training. The motion was carried.

B. Board Members

The Board members did not have any new business at this time.

C. Lieutenant Colonel

Lt. Col. Hudson spoke about the working group regarding the legislative changes spearheaded by Rep. Mitchell, representatives from the entities, Col. McQueen, and himself.

One issue of concern is the entities that are using the transporting of patients for a profit. This could be a bigger issue down the road for the Board.

Another issue is if marijuana were to be legalized – how this would impact the want/need for private industry constables.

These are something for the Board to consider down the road.

IX. Public Comment (At the discretion of the Chair)

Mr. Ellingsworth gave his praise that this is a well-organized meeting; Mr. Martin, CCHS, is retired from NJSP and will be a team player; and that he appreciated how the Board treated Mr. Jester.

Mr. Winstead did not have any comments.

X. Adjournment

A. Next Meeting – Annual

1. Thursday, December 14, 2017 @ 10:00am

Mr. Durstein, with a second by Capt. O’Sullivan, made a motion to adjourn the meeting at 1112 hours. The motion was carried.